

Americans with Disabilities Act

ADA Transition Plan for Public Rights-of-Way



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INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and later amended effective January 1, 2009. As written and implemented, the ADA provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunication. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. In order to be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person is perceived by others as having such impairment. The ADA, however, does not specifically name all of the impairments that are covered. The ADA is divided into five sections covering the following topics:

Title I: Employment

Title II: Public Services (and Transportation)

Title III: Public Accommodations (and Commercial Facilities)

Title IV: Telecommunications

Title V: Miscellaneous Provisions

Title II, specifically prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to person with disabilities. It is under this title that this transition plan has been prepared. This transition plan is intended to outline the methods by which physical changes will be made to give effect to the non-discrimination policies described in Title II.

TRANSITION PLAN DEVELOPMENT

To ensure program accessibility for people with disability in the community, the town of Whitestown has developed a Transition Plan, which is to be considered good practice. *This Transition Plan for Public Rights-of-Way considers the following:*

A. ADA COORDINATOR:

Effective communication is essential to address all the complaints or concerns of all individuals. In order to keep maintaining the lines of communication open, and thereby ensuring effective communication between all parties, the town of Whitestown has selected the Town Manager's designee as the ADA coordinator. The ADA coordinator shall coordinate the Town's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the ADA coordinator. Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any actions that would be prohibited under the ADA. The Town shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints. Every complaint must be directed in writing to the ADA Coordinator, in this case the Town Manager's designee.

B. GRIEVANCE PROCEDURE:

The Grievance Procedure established below is intended to adhere to the standards outlined in the ADA. The procedure must be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provisions of services, activities, programs, or benefits provided by the Town of Whitestown.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complaint and location, date, and a description of the problem. Grievance Forms must be used to lodge a complaint, please make reference to the grievance form in Appendix A. Alternative means of filing complaints, such as personal interviews or recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

Whitestown Municipal Complex

6210 S 700 E

Whitestown, IN 46075

ADA TRANSITION PLAN
WHITESTOWN, IN

Within 15 calendar days after receipt of the complaint, ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Whitestown and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ADA Coordinator or his/her designee. Within 15 calendar days after receipt of the appeal, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the ADA Coordinator or his/her designee, and responses from these two offices will be retained by the Town of Whitestown for at least three years.

C. SELF EVALUATION/COMMITMENT

The Town of Whitestown has conducted an inventory of evaluations of curbs, ramps, and sidewalks. Most of the Town is in compliance with the most recent policies set-forth in the ADA. A few locations have been identified throughout the Town that are not compliant. These areas are typically either constructed before the ADA was adopted and very old or were constructed to previous ADA standards and are no longer ADA compliant with the newest code. Whitestown actively reconstructs areas that are not ADA compliant; setting aside money and resources to do so every year. Whitestown is committed to allowing all pedestrians including those with disabilities access to all sidewalk and curb ramp areas. This will be accomplished by the following programs:

- Any new construction, reconstruction, roadwork construction or alterations will be in compliance with the ADA
- Annual sidewalk/curb reconstruction

D. ADA STANDARDS/GUIDELINES:

The standards are intended to apply to all construction undertaken within the Town Right-of-Way. INDOT design guidelines and standard drawings will serve as the primary standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

IMPLEMENTATION

Whitestown intends to implement this Transition Plan effective the date of this document. Whitestown commits to following the guidelines set forth in this Transition Plan. Whitestown also commits to actively revising and amending this document as new pertinent information is discovered. As a matter of policy this document will be updated every five years. A copy of this document will also be placed on the Town's website (www.whitestown.in.gov), at the Town Hall and at the Utility Office.

APPENDIX A: GRIEVANCE FORM

Grievant Information

Grievant Name:			
Address:	City: WHITESTOWN	State: IN	ZIP Code: 46075
Phone:	E-mail:		
Alternative Phone:			

Person Preparing Complaint Relationship to Grievant (If Different from Grievant)

Name:			
Address:	City:	State:	ZIP Code:
Phone:	E-mail:		
Alternative Phone:			

Please specify any location(s) and date(s) related to the complaint or grievance (if applicable):

Please provide a complete description of the specific complaint of grievance:

Please state what you believe should be done to resolve the complaint or grievance:

Please attach any additional pages as needed.

Signature: _____

Date: _____

Please return to: **Whitestown Municipal Complex, 6210 S 700 E, Whitestown, IN 46075**

Upon request, reasonable accommodation will be provided in completing this form or copies of the form will be provided in alternative formats. Contact the ADA coordinator at the address listed above or via telephone at 317-769-6557.